IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 10563 of 2005**

**DATED: 19.10.2006**

**Between:**

D.Kishan petitioner

And

The Regional Manager, APSRTC
Adilabad Region, Adilabad and others Respondents

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**THE HON'BLE SRI JUSTICE N.V.RAMANA**

**WRIT PETITION NO. 10563 OF 2005**

ORAL ORDER :

The present writ petition is filed questioning the action of the respondents in not regularising the services of the petitioner from the date of his initial appointment i.e., 10.4.1993.

Today when the matter is taken up, learned counsel for petitioner submitted that the matter is squarely covered by the judgment of the Apex Court in **Divisional Manager, APSRTC and others Vs. P.Lakshmoji Rao**[1].

Heard the learned counsel for petitioner and learned Standing Counsel for respondent-corporation.

In **P.Lakshmoji Rao** case, the Supreme Court dealt with the rights of the conductors and drivers, appointed on daily wage basis. After taking the various aspects into account, the Supreme Court directed that if any conductors, who are juniors to the respondent therein, in the relevant seniority list of the concerned Division or Region, have been extended the benefit of seniority and regularisation, the corporation shall extend the same benefit to the employees, who are seniors to those who are regularised. The relevant portion of the judgment reads as under:

> "In view of the peculiar situation and in order to avoid the anomalies that might otherwise ensue, while we hold that the respondent-employees have failed to establish their legal right to get the status of regular employees right from the date of their initial

appointment on daily wage basis and the respective dates of regularisation, assigned to the respondents cannot be legally faulted, we are inclined to mould the relief in modification of the directions given in the judgments under appeal and direct as follows:-

If any of the conductors, junior to the respondents in the relevant seniority list of the concerned Division /Region, have got the same benefit of seniority and regularisation OR are entitled to get the same by virtue of the judgments that have become final, then the respondents who are senior to them, shall be given the same benefit on the same principle."

The issue raised in the present writ petition is squarely covered by the judgment of the Supreme Court in P.Lakshmoji Rao's case. However, the record does not show that the petitioner has approached the authorities concerned or submitted a representation requesting the authorities to extend the relief sought for in the present writ petition. Hence, the writ petition is disposed of directing the petitioner to submit a representation to the Regional Manager-first respondent indicating the details with regard to his initial engagement etc. On filing such a representation, the first respondent is directed to consider the same and pass appropriate orders in the light of the observations made by the Supreme Court in P.Lakshmoji Rao's case, expeditiously.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 19.10.2006
TVK

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[1] 2004 (3) ALD 1 (SC)